

Members

Rep. Dennis Tyler, Chairperson  
Rep. Dan Stevenson  
Rep. Cleo Duncan  
Rep. William Davis  
Sen. Ron Alting  
Sen. Brandt Hershman  
Sen. James Arnold  
Sen. James Lewis



# RAIL CORRIDOR SAFETY COMMITTEE

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Authority: P.L. 114-2005

## MEETING MINUTES<sup>1</sup>

**Meeting Date:** October 30, 2009  
**Meeting Time:** 1:00 P.M.  
**Meeting Place:** State House, 200 W. Washington St.,  
Room 404  
**Meeting City:** Indianapolis, Indiana  
**Meeting Number:** 2

**Members Present:** Rep. Dennis Tyler, Chairperson; Rep. Dan Stevenson; Rep. Cleo Duncan; Rep. William Davis; Sen. Ron Alting; Sen. James Arnold; Sen. James Lewis.

**Members Absent:** Sen. Brandt Hershman.

Representative Dennis Tyler called the meeting to order at 1:15 p.m. Committee members and the staff introduced themselves. Preliminary Draft (PD) 3245 (Exhibit 1) was distributed to the committee. PD 3245 requires a driver of a vehicle to stop at a railroad crossing upon the approach of on-track equipment. (Current law requires a vehicle to stop at a railroad crossing upon the approach of a train).

Also distributed were Exhibits 2 and 3, which show the number of incidents with on-track equipment. Mr. Mike Riley, Director of the Railroad Division of the Indiana Department of Transportation (INDOT), told the committee that since 2005 there have been eight incidents in Indiana involving on-track equipment, with four of the incidents involving a motor vehicle hitting the on-track equipment and four incidents of the on-track equipment hitting a motor vehicle. There were two injuries resulting from these incidents.

The staff explained the voting procedures regarding voting on preliminary drafts.

Mr. Jeff Bainter, State Legislative Director of the Maintenance of Way Employees, spoke in favor of PD 3245, telling the committee that the changes proposed in PD 3245 brings safety to the public and safety to the people on the on-track equipment.

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<sup>1</sup> Exhibits and other materials referenced in these minutes can be obtained electronically by requesting copies at [licrequests@iga.in.gov](mailto:licrequests@iga.in.gov). Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

The possibility of an amendment was brought up regarding PD 3245. Representative Tyler said that it would be very difficult to draft an amendment in the committee. Tom Fruechtenicht, Bose Public Affairs and representing the Indiana Railroad Transportation Group (IRTG), testified in support of PD 3245, commenting that he thinks vehicles should yield to on-track equipment.

Representative Davis said that in light of the information provided the committee (Exhibits 2 and 3) he would move to table the legislation. The Chair called for a second on the motion to table PD 3245, but there was none and the motion died.

Representative Stevenson raised concern regarding PD 3245 and unprotected railroad crossings. He said that these crossings do not have a stop sign and the motoring public is at risk because people on the on-track equipment think that the motorists will stop and they will not. Representative Stevenson said if a motorist is coming down the highway and does not see the on-track equipment, it could collide with the on-track equipment. Commenting further, Representative Stevenson said that PD 3245 needs additional work and said that he needs commitments from the author and from the unions that they will do the necessary work to make the bill better. He said that he does not know how he will vote on the bill during the General Assembly.

In response to a committee question, Mr. Riley of INDOT said that there are just under 2,000 unmarked crossings. Mr. Riley said that the Rail Grade Crossing Improvement Fund will assist the road owner to install signs. Mr. Riley further said that the installation of the signs is the responsibility of the road owners; for example, if the crossing is on a county road, the county is responsible. In response to another question, Mr. Riley told the committee that he does not know the cost of installation of stop signs at crossings. He said that he would get the information and pass it along to the staff. Further, Mr. Riley said that in Oregon, it cost \$900 to install two signs at crossings (labor included).

Representative Duncan told the committee that she did not second the motion to table PD 3245 because she wants to move it forward, with an amendment to improve PD 3245 coming later.

Mr. Riley agreed to send to the staff the cost of installation of two stop signs at crossings and who is responsible for sign installations. The staff will distribute the information to committee members.

Senator Alting said he supports moving PD 3245 forward in the process. He said that even if it is passed today, PD 3245 will need enforcement. Senator Alting also said that he is not sure how he will vote during the legislative session, but thinks that it should be moved forward and there be more research on the issue.

Representative Davis explained his motion to table PD 3245, commenting that he wanted to know how big of a problem there is with on-track equipment. He said that many people do not know the law today and do not know how to enforce it or how to make people understand it. Representative Davis said that there was one incident in 2008 involving on-track equipment. Commenting further, Representative Davis said that this issue will not be able to be handled on highway traffic because people will stop, then move forward and get hit. He said that railroad traffic will be brought to a standstill, and was not sure on how to proceed. He said that the public needs to be educated as to their duties at crossings. Representative Davis said that this proposal will change liabilities. It becomes an insurance issue.

Senator Arnold said that this is a safety issue and made a motion of do-pass for PD 3245 to move the process forward. Senator Lewis seconded the motion. With no discussion, the Chair took the vote by a show of hands, and PD 3245 passed 6-1.

Representative Tyler thanked the committee for their work and adjourned the meeting at 1:50 p.m.